

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

**OPAL R. SLONE, individually and
as the Administratrix of the Estate
of Jacqueline Hudson, and THE
ESTATE OF JACQUINE HUDSON,**

Plaintiff,

v.

Case No.: 3:23-cv-00636

JEFFREY RACER, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the Court are Defendants Cabell County Sheriff Office, Chuck Zerkle, and Cabell County Commission's Motion to File Motion for Judicial Review Under Seal, (ECF No. 58), and Motion for Judicial Review. (ECF No. 58-1). Due to the confidential information contained in the motions, and there being no objection by Plaintiff, this Court **GRANTS** Defendants' Motion to File Under Seal and **ORDERS** the Clerk to file Defendants' Motion to File Motion for Judicial Review and Defendants' Motion for Judicial Review under seal. (ECF Nos. 58, 58-1).

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three-step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents

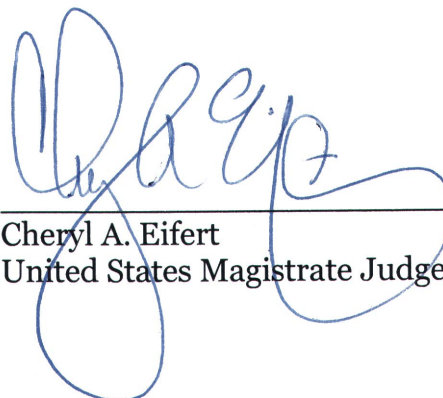
and for rejecting alternatives. *Id.* at 302.

In this case, Defendants' Motion to File Motion for Judicial Review Under Seal and Defendants' Motion for Judicial Review shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the documents, but in view of the nature of the information set forth in the documents—which is information generally protected from public release—alternatives to wholesale sealing are not feasible at this time. Moreover, the information provided in the motions is submitted to the Court for the purpose of resolving a discovery dispute, rather than for disposition of substantive claims in this action. Accordingly, the Court finds that sealing Defendants' Motion to File Motion for Judicial Review Under Seal and Defendants' Motion for Judicial Review, do not unduly prejudice the public's right to access court documents.

With respect to the Motion for Judicial Review, (ECF No. 58-1), Plaintiff has not objected within the time frame permitted. Therefore, the Motion is **GRANTED**. Defendants Cabell County Sheriff's Office, Chuck Zerkle, and Cabell County Commission are **ORDERED** to provide the records for *in camera* review by delivering them to the Court's chambers on or before **June 11, 2024**.

The Clerk is instructed to provide a copy of this Order to counsel of record and any unrepresented parties.

ENTERED: June 4, 2024



Cheryl A. Eifert
United States Magistrate Judge